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April 26, 2023

Via ECF

The Honorable P. Kevin Castel
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, New York 10007

Re: *In re Google Digital Advertising Antitrust Litigation*, No. 1:21-md-03010

Dear Judge Castel:

On behalf of all MDL Plaintiffs, we submit this reply in support of our joint motion to compel Google to produce approximately 800,000 documents Google already has produced to the Department of Justice in its ad tech investigation, but that Google has failed to produce to Plaintiffs in these Actions. We note that there is no conference scheduled at this time.

On four occasions, Plaintiffs requested the prompt production of approximately 800,000 documents Google produced to DOJ without reformatting.¹ Google claims it has agreed to Plaintiffs' request, but its letter response suggests otherwise. In writing to the Court, Google for the first time states that it "needed to conduct a privilege review of the documents at issue." Ltr. from J. Sessions to Judge Castel at 1, MDL Doc. 529. Google also claims, again for the first time, that the documents must undergo "processing and quality-control-checking." *Id.* at 2. But as this Court recognized the last time Google delayed document re-production, the "production [of] a mirror copy of prior productions that already existed in electronic format" requires no additional review and can "be accomplished without significant difficulty or expense." Order at 2 (Feb. 7, 2022), MDL Doc. 244. Google should be ordered to produce a "mirror copy" of the 800,000 documents without further delay.

¹ Google (at 3) wrongly questions whether Plaintiffs attempted in good faith and failed to obtain the prompt production of the 800,000 DOJ documents. Plaintiffs did exactly that on March 24, 28, April 12, and April 17. *See* Ltr. Mot. to Compel, MDL Doc. 528.

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Google's complaints about Plaintiffs' responses to its discovery requests are a distraction. Google does not seek from Plaintiffs only a mirror copy of past productions, but instead has issued hundreds of broad requests to Plaintiffs – including 74 requests with 44 subparts to Daily Mail alone – that require new collection and review.

We respectfully request that the Court order Google to produce immediately and without alteration the approximately 800,000 DOJ documents.

Respectfully,

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